

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEREK WAYNE JACKSON	:	CIVIL ACTION
	:	
v.	:	
	:	
MS. JULIE FAULKNER, Montgomery	:	
County District Courts, MR. JOHN N.	:	
GRADEL, Montgomery County	:	
District Courts, U.S. DEPARTMENT OF	:	
THE TREASURY, Bureau of the	:	
Fiscal Service, MONTGOMERY	:	
COUNTY DISTRICT ATTORNEYS (sic)	:	
OFFICES and MONTGOMERY COUNTY	:	
COURTS OF THE COMMON PLEAS	:	NO. 20-3547

ORDER

NOW, this 15th day of October, 2020, upon consideration of plaintiff's motion to proceed *in forma pauperis* (Doc. No. 1), his *pro se* Complaint, his untitled motion to release materials (Doc. No. 6), and his motion to continue (Doc. No. 7), it is **ORDERED** as follows:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Pursuant to 28 U.S.C. § 1915(b), plaintiff, **Derek Wayne Jackson, # GQ-3151**, shall pay the filing fee of \$350 in installments.¹
3. The Superintendent or other appropriate official at SCI-Greene is directed to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Jackson's inmate trust fund account; or (b) the average monthly balance in Jackson's inmate trust fund account for the six-month period immediately preceding the filing of this

¹ Plaintiff is advised that he will be obligated to pay the filing fee in installments even if his case is dismissed. In other words, if his case is dismissed, payment of the fee will continue to be deducted from his inmate trust fund account.

case and forward the initial payment assessed, with a reference to the above Civil Action Number, to the Clerk of Court at the following address:

Clerk of the United States District Court
for the Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, Pennsylvania 19106.

4. The Superintendent or other appropriate official at SCI-Greene shall, after the initial partial filing fee is paid and until the balance of the filing fee is paid in full, deduct from Jackson's inmate trust fund account, each time his inmate account exceeds \$10.00, an amount no greater than 20 percent (20%) of the money credited to his inmate account during the preceding month and forward that amount, with a reference to the above Civil Action Number, to the Clerk of Court at the above address.

5. The complaint is deemed filed.

6. Jackson's untitled "motion" (Doc. No. 6) and motion to continue (Doc. No. 7) are **DENIED**.

7. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Jackson's complaint is **DISMISSED WITHOUT PREJUDICE**.²

8. The Clerk of Court is directed to forward a copy of this Order to the Superintendent or other appropriate official at **SCI-Greene** and to the plaintiff.

/s/ TIMOTHY J. SAVAGE J.

² The dismissal is without prejudice to Jackson filing a new case in the event his underlying conviction is reversed, vacated, or otherwise invalidated. Nothing in this Order precludes Jackson from proceeding in his pending *habeas* proceeding. See *Jackson v. Coleman*, Civ. A. No. 13-5932 (E.D. Pa.).